

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO LEE MIXON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

2:16-cv-02490-RFB-VCF

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), seeks a 90-day extension of time to file an amended complaint.¹ (ECF No. 10). Plaintiff also moves to change venue to this Court’s unofficial northern division because he initiated this case as an inmate at Ely State Prison in White Pine County. (ECF No. 9).

The Court interprets Plaintiff’s motion to change venue (ECF No. 9) as a motion to reopen this case in the unofficial northern division. The Court grants the motion. Pursuant to Nevada Local Rule IA 1-8(a), *pro se* inmates must file their civil actions in the unofficial division of the court in which the inmate is held when the complaint is submitted for filing. Pursuant to Nevada Local Rule IA 1-6, an inmate in White Pine County should file his case in the unofficial northern division.

The Court finds that the clerk’s office inadvertently opened this case in the wrong unofficial division. The Court now directs the clerk’s office to close the instant case and open a new case in the unofficial northern division. The clerk’s office shall randomly assign new judges to this case. The clerk’s office shall also transfer and docket the complaint (ECF No.

¹ The Court has not issued a screening order in this case.

1 1-1), application to proceed *in forma pauperis* (ECF No. 5), motion for appointment of counsel
2 (ECF No. 6), and this order in the newly-opened case. Additionally, the clerk's office shall date
3 the complaint (ECF No. 1-1) in the new docket as October 24, 2016.

4 The Court further grants in part the motion for extension of time (ECF No. 10). Plaintiff
5 shall file his first amended complaint within sixty (60) days from the date of this order. If
6 Plaintiff chooses not to file a first amended complaint, the Court will screen the original
7 complaint. No further extensions will be granted.

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that the motion for leave to change venue
10 (ECF No. 9) is construed as a motion to move this case to the unofficial northern division.

11 IT IS FURTHER ORDERED that the motion to move the case to the unofficial northern
12 division (ECF No. 9) is granted.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall close this case and open
14 a new case in the unofficial northern division. The Clerk of the Court shall randomly assign
15 new judges to this case.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall transfer and docket the
17 complaint (ECF No. 1-1), the application to proceed *in forma pauperis* (ECF No. 5), the motion
18 for appointment of counsel (ECF No. 6), and this order in the new case.

19 IT IS FURTHER ORDERED that the Clerk of the Court shall docket the complaint (ECF
20 No. 1-1) in the new case with the *nunc pro tunc* date of October 24, 2016.

21 IT IS FURTHER ORDERED that the motion for extension of time (ECF No. 10) is
22 granted in part.

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1 IT IS FURTHER ORDERED that Plaintiff shall file his first amended complaint within
2 sixty (60) days from the date of this order. If Plaintiff chooses not to file an amended
3 complaint, the Court will screen the original complaint. No further extensions will be granted.

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5 DATED: This 7th day of March, 2017.

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9 United States Magistrate Judge
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